

201 KAR 25:080. HIV/HBV infection control for podiatrists.

RELATES TO: KRS 311.410(4)

STATUTORY AUTHORITY: KRS 311.410(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.410(4) empowers the Kentucky State Board of Podiatry to promulgate administrative regulations as necessary to implement and enforce the provisions of KRS 311.390 to 311.510. The purpose of this administrative regulation is to encourage and promote infection control among all Kentucky podiatrists.

Section 1. Definitions. (1) "HIV" means the human immunodeficiency virus.

(2) "HBV" means the hepatitis B virus.

(3) "Universal precautions" means the appropriate use of hand and skin washing, protective barriers, care in the use of and disposal of needles and other sharp instruments, and those other techniques recommended in U.S. Centers for Disease Control Morbidity and Mortality Weekly Report, June 24, 1988, Volume 37, Number 24, hereby incorporated by reference. A copy may be inspected or copied at the board's office during business hours.

Section 2. HIV or HBV Serostatus Determination. A podiatrist who is HIV or HBV seropositive and "e" antigen positive, and who performs patient care procedures which pose a significant risk of transmission of HIV or HBV to patients, may seek counsel from the Kentucky State Board of Podiatry.

Section 3. Review and Monitoring of HIV or HBV Positive Podiatrists. (1) The Kentucky State Board of Podiatry may convene a review panel to:

(a) Monitor the adherence of a HIV or HBV positive podiatrist to:

1. Universal precautions;
2. Clinical competency; and
3. Practice limitations or restrictions established by the review panel to monitor compliance with universal precautions; and

(b) Periodically evaluate the effects of the disease on the competency of the HIV or HBV positive podiatrist.

(2) The review panel shall include the:

- (a) Primary care physician of the HIV or HBV positive podiatrist;
- (b) A clinical infectious disease specialist;
- (c) An epidemiologist representing the Kentucky Department of Health Services; and
- (d) One (1) or more licensed podiatrists.

Section 4. Disciplinary Action. Any podiatrist who does not comply with universal precautions, the requirements of this administrative regulation or the limitations and restrictions established by the review panel, pursuant to administrative regulation, shall be subject to disciplinary action by the Kentucky State Board of Podiatry as set forth in KRS 311.480.

Section 5. Confidentiality. Information obtained by the Kentucky State Board of Podiatry pursuant to this administrative regulation is personal in nature as set forth in KRS 61.878(1)(a) and is excluded from the application of KRS 61.870 to 61.884. (20 Ky.R. 1726; 2325; eff. 2-10-94; Crt eff.12-6-2019.)